

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

vs.

CASE NO. 3: 97CR137-02 (DRD)

FUNDADOR MORENO-MEDINA

* * * * *

**MOTION NOTIFYING SUPERVISED RELEASE
VIOLATIONS, REQUEST FOR A SUMMONS AND THE
TOLLING OF THE SUPERVISION TERM**

**TO THE HONORABLE DANIEL R. DOMINGUEZ,
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, BENJAMIN BONILLA, UNITED STATES PROBATION OFFICER of this Honorable Court, presenting an official report upon the conduct and attitude of the offender, Fundador Moreno-Medina, who on May 12, 1998 was sentenced to an eighty-seven (87) months imprisonment term after he pled guilty of violating Title 21 U.S. Code, § 846 (a)(1) and Title 18 U.S. Code, § 2. A four (4) year supervised release term and a special monetary assessment in the amount of \$100.00 (Paid) were also imposed. As special conditions, the offender was ordered to submit to urinalysis, provide access to financial statements and to pay a \$3,000.00 fine (Paid). The offender was released from custody on September 29, 2003, at which time his supervision term began.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS FOLLOWS:

Since his release from custody, the offender has violated the following conditions of his supervised released term:

1. STANDARD CONDITION - "WHILE ON SUPERVISED RELEASE, THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME. THE DEFENDANT SHALL NOT ILLEGALLY POSSESS A CONTROL SUBSTANCE".

On November 30, 2006, Mr. Moreno-Medina was arrested by agents from the Puerto Rico Police Department, Aguadilla Division. Subsequently, the offender was charged of violations to the Puerto Rico Controlled Substance Law (possession of marihuana, cocaine and paraphernalia) and the Puerto Rico Weapons Law (possession of ammunition). A total of eight (8) counts were filed against the offender. On December 4, 2006, two(2) of the counts were dismissed and Mr. Moreno-Medina was released on a \$2,000 bond. This case is still pending at the Superior Court, Aguadilla, Puerto Rico. An Evidence Suppression hearing was scheduled for July 31, 2007.

WHEREFORE, I declare under penalty of perjury that the forgoing is true and correct. In view of the aforementioned, and unless ruled otherwise, it is respectfully requested that Mr. Moreno-Medina's term of supervision be tolled and that a summons be issued so that he can appear before this Honorable Court and show cause why his supervised release term should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 3rd day of June 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

S/ Benjamín Bonilla
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CERTIFICATE OF SERVICE

I HEREBY certify that on July 3, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Jose A. Ruiz, Assistant U.S. Attorney and to Jorge Diaz-Reveron, Esq..

In San Juan, Puerto Rico, this 3rd day of June 2007.

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